

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AUG 16 1991

DEBRA HATTEN-GONZALES, et al.,
Plaintiffs,

Robert March
CLERK *dw*

vs.

Nos. CIV 88-0385
Consolidated With
CIV 88-0786

RICHARD HEIM, Secretary of
the New Mexico Human Services
Department,
Defendant.

JOINT MOTION TO AMEND SETTLEMENT AGREEMENT

The parties respectfully move the Court for its Order amending certain compliance deadlines in the Settlement Agreement, filed August 28, 1990.

Specifically, the parties request the following changes:

1. The July 1, 1991 deadline applicable to Section I, paragraph 4a, b, c, e, f, and g, and to Section III, paragraph 1, of the Settlement Agreement be extended to December 31, 1991;

2. The December 31, 1990 deadline for developing for applicants written informational materials at no more than a sixth grade reading level, and complying with other requirements of Section II of the Settlement Agreement, be extended to December 31, 1991;

3. Section IV of the Settlement Agreement be amended to include the following: (1) The parties or their designees will meet every month to discuss the progress made towards implementation of the Settlement

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Agreement; (2) Defendant will make full and timely disclosure to plaintiffs' attorneys of all facts relevant to implementation; (3) Plaintiffs' attorneys will have access to all writings regarding implementation, including but not limited to intra-agency memorandums, correspondence between HSD and BDM Corporation, cost estimates, projected completion dates, work orders, requests for proposals and advance planning documents; and (4) Plaintiffs' data processing expert will be allowed confer freely with employees of HSD or BDM regarding computer-related settlement issues; and

4. The case review scheduled for June, 1991 in Section IV, paragraph 2, be rescheduled for November, 1991;

The parties further advise the Court that they are in the process of reviewing HSD's efforts to implement the computerized assistance application disposition-and-delay notice system described in Section III, paragraphs 2 through 6 inclusive, and Section I, paragraph 4d. After this review, they will try to negotiate a mutually acceptable extension of the July 1, 1991 implementation deadline. If an agreement can be reached, the parties will submit the proposal to the Court for its approval. If agreement cannot be reached, a determination by the Court will be requested.

As ground for granting this motion, the parties state that, although some progress has been made, the existing deadlines have not been met. More time to comply with the Settlement Agreement is necessary. The parties anticipate that the proposed extended deadlines will provide HSD with ample time to complete the designated tasks. In addition, they are hopeful that an agreement can be reached on an implementation date for the computerized assistance application disposition-and-delay notice system.

Respectfully submitted,



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